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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,334	02/17/2004	Shinichi Hiramoto	187A 3505	5260

3713 7590 06/06/2005

KODA & ANDROLIA
2029 CENTURY PARK EAST
SUITE 1140
LOS ANGELES, CA 90067

EXAMINER

TRUONG, THANH K

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,334

Applicant(s)

HIRAMOTO ET AL.

Examiner

Thanh K. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-6 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voss (4,954,206) in view of Yarlott et al. (3,703,842).

Voss discloses (figure 5) an apparatus comprising:

a fixed plate (27),

a movable plate (26) which is disposed parallel to said fixed plate so that the movable plate is separated from the fixed plate by a specified distance, the movable plate being approachable the fixed plate from a separated position and constantly urged in a direction that separates the movable plate from the fixed plate,

a sealing member (22) and a receiving member (23) which are respectively attached to the movable and fixed plates so as to face each other,

a plurality of guide shafts (both sides of the apparatus have guide shafts disposed inside the compression springs – figure 5) which are disposed perpendicular to the movable plate and guide a movement of the movable plate, and

a driving means (column 3, lines 48-52) which closes the sealing member and receiving member by causing the movable plate to approach the fixed plate.

Voss discloses the claimed invention, but does not expressly disclose that the driving means is comprised of a plurality of rubber tubes in which the rubber tubes expand in a radial

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direction thereof and contract in length thereof when the air is supplied thereto and recover to original states thereof when the compressed air is discharged.

Yarlott discloses an apparatus comprises rubber tube (46) in which the rubber tubes expand in a radial direction (figure 1) thereof and contract in length thereof when the air is supplied thereto and recover to original states thereof when the compressed air is discharged (column 3, lines 12-17). Yarlott's axially contractable actuator provides a reliable, low cost, and effective driving means. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified Voss' apparatus by incorporating the axially contractable actuator as taught by Yarlott providing a low cost, effective, safe and reliable driving means.

Voss further discloses: the sealing member and receiving member comprise heating plates of a heat sealing system; wherein the sealing member and the receiving member are urged in the direction to open by a biasing force of a spring (figure 5); and wherein the pair of plates are urged by one of gravity and a biasing force of a spring in a direction that separates the plates (figure 5).

Regarding to claim 4, although Voss does not expressly disclose that the surface temperature of the heating plate on the receiving member side is lower than the surface temperature of the heating plate on the sealing member side, the examiner position is that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the temperature setting so that the surface temperature of the receiving member is lower than the surface temperature of the heating plate on the sealing member, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 198C).

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Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen F. Gerrity
Primary Examiner

Tkt
May 25, 2005.